

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN CARR, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CAUSE NO. 2:14-cv-00001-WTL-MJD
)	
FEDERAL BUREAU OF PRISONS, et al.,)	
)	
Defendant.)	

CROSS-MOTION FOR SUMMARY JUDGMENT

Defendant, Mark Inch, Director, Federal Bureau of Prisons, by counsel, hereby moves this Court for a Federal Rule of Civil Procedure 56 entry of summary judgment in their favor and against Plaintiffs on all of Plaintiffs' claims. Here, no genuine issue exists on any material fact, and the Defendant is entitled to judgment as a matter of law.

1. Plaintiffs brings their claims under the Religious Freedom Restoration Act (RFRA) 42 U.S.C. § 2000bb - 2000bb-4.

2. In this case, the four Plaintiffs are not satisfied with the BOP's Religious Diet Program, nor even the vendor that the BOP found to provide halal-certified meals specifically for these Plaintiffs. Plaintiffs have instead demanded that the BOP purchase halal-certified meals from the specific vendors that Plaintiffs prefer. This request frustrates the intent of the Religious Freedom Restoration Act (RFRA), not to mention the BOP's compelling interests in providing healthy, nutritious meals equitably to all inmates, within the constraints of its budgetary limitations, and consistent with the security and orderly running of prisons. Based on the foregoing, the BOP is entitled to summary judgment.

3. In support of its motion, the BOP incorporates by reference its Brief in Support of Its Cross-Motion for Summary Judgment and Response in Opposition to Plaintiffs' Motion for Summary Judgment, and designates the following evidence:

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| Ex. 1 | Declaration of Heidi Kugler, Oct. 28, 2016 |
| Ex. 2 | Declaration of Mitchel Holliday |
| Ex. 3 | Excerpts from Deposition of Mitchel Holliday |
| Ex. 4 | Excerpts from Deposition of Jason Langford |
| Ex. 5 | Excerpts from Deposition of Thomas Hinkle |
| Ex. 6 | Declaration of Karen Stiltner |
| Ex. 7 | BOP042146, BOP Certified Food Specifications |
| Ex. 8 | Excerpts from Deposition of Heidi Kugler |
| Ex. 9 | Excerpts from Deposition of Mustafa Boz |
| Ex. 10 | Carr Deposition Exhibit 2, Admin. Remedy |
| Ex. 11 | Excerpts from Deposition of Brian Carr |
| Ex. 12 | Excerpts from Deposition of Karen Stiltner |
| Ex. 13 | Excerpts from Deposition of Mark Crenshaw |
| Ex. 14 | Excerpts from Deposition of John Wilson |
| Ex. 15 | Declaration of Heidi Kugler, Dec. 7, 2017 |
| Ex. 16 | Excerpts from Deposition of Tron Kent |
| Ex. 17 | Excerpts from Deposition of Eric Lawton |
| Ex. 18 | BOP043314-43317, Sopakco, Inc. emails |
| Ex. 19 | FBOP000172-000181, Midamar response |
| Ex. 20 | BOP043279-43289 Sisters One, Inc. response |

- Ex. 21 BOP043449-434460 National Food Group emails
- Ex. 22 BOP041269-41271, Taaza Fresh emails
- Ex. 23 BOP044012-44014, Taaza Fresh emails
- Ex. 24 BOP044109-44124 FCI – Memphis Request for Quote
- Ex. 25 BOP044125-44131 2018 Halal Menu
- Ex. 26 Tron Kent Responses to Interrogatories
- Ex. 27 Excerpts from Deposition of Hamzeh Maqbul
- Ex. 28 FBOP000185-000190 Sopakco, Inc. response
- Ex. 29 BOP044037 Labriute email
- Ex. 30 Excerpts from Deposition of Abdulfattah Jamiu
- Ex. 31 2015 Halal Menu
- Ex. 32 Excerpts from Deposition of Kathleen Churchill

The Defendant therefore respectfully requests the Court to grant summary judgment in its favor as to all claims against them raised in Plaintiffs' Amended Complaint, and for all other relief that is just and proper.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/ Shelese Woods
Shelese Woods
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

NONE.

s/ Shelese Woods
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